

Appl. No. 09/965,998
Prelim. Amdt. dated August 29, 2006
Reply to final Office action of June 9, 2006

REMARKS/ARGUMENTS

Applicants have received the final Office action dated June 9, 2006 in which the Examiner: 1) rejected claims 2-3 and 7-8 as allegedly failing to comply with the written description requirement; 2) rejected claims 2, 7, 17-18 and 23-24 as allegedly obvious over Alcorn (U.S. Pat. No. 6,106,396) in view of Wu (U.S. Pat. No. 6,401,140), Madden et al. (U.S. Pat. No. 6,178,503) and Agnihotri (U.S. Pat. No. 6,763,456); 3) rejected claims 3 and 8 as allegedly obvious over Alcorn, Wu, Madden and Agnihotri and in further view of Puckette (U.S. Pat. No. 6,385,721); and 4) rejected claim 30 as allegedly obvious over Alcorn, Wu and Angelo (U.S. Pat. No. 5,974,250).

With this Response, Applicants amend claims 17-18 and 30-31, cancel claims 2-3 and 7-8, and present new claims 32-33. Thus, the pending claims are 17-18 and 30-33. Reconsideration is respectfully requested.

I. CLAIM CANCELLATIONS

With this Response, Applicants cancel claims 2-3 and 7-8 to narrow the issues before the Examiner. This cancellation is without prejudice to later asserting these claims, such as in a continuation application.

II. ALLEGED FINDINGS OF FACT

The final Office action of June 9, 2006 presents a plurality of "findings" with regard to teachings of the cited art. To the extent necessary to keep these "findings" from becoming conclusive, Applicants respectfully traverse each and every finding.

III. UNREASONABLE INTERPRETATION OF THE CLAIMS BY THE OFFICE ACTION

In the Response filed May 4, 2006, Applicants presented a plurality of arguments regarding the unreasonable interpretation of the claim language by the Office action. In particular, the Office action takes the position that "installation" as that term is used in the claims is the run time booting of previously installed operating systems; however, as Applicants pointed out such an interpretation is unreasonable in view of Applicants specification, and in fact renders some embodiments inoperable. The issue is now well defined, ripe for appeal, and

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rather than being repeated here is incorporated by reference from the Response filed May 4, 2006.

IV. SECTION 112 REJECTIONS

With this Response, Applicants cancel claims 2-3 and 7-8, thus mooting the Section 112 rejections.

V. ART-BASED REJECTIONS

With this Response, Applicants present a plurality of amendments to the claims. In particular, Applicants amend claims 17 and 30 to more clearly define over the run-time booting of previously installed operating systems of the cited references, and to put the claims in better condition for appeal. Applicants respectfully submit that as previously argued, the references used by the Office action in forming the rejections are directed to run-time booting of previously installed operating systems, and not installation as that term is used in the specification and claims. Applicants also amend claims 18 and 31 to address grammatical and antecedent basis shortcomings, respectively.

VI. NEW CLAIMS

With this Response Applicants present new claims 32 and 33. Applicants respectfully submit that the cited art does not teach or fairly suggest the limitations of these claims.

VII. CONCLUSION

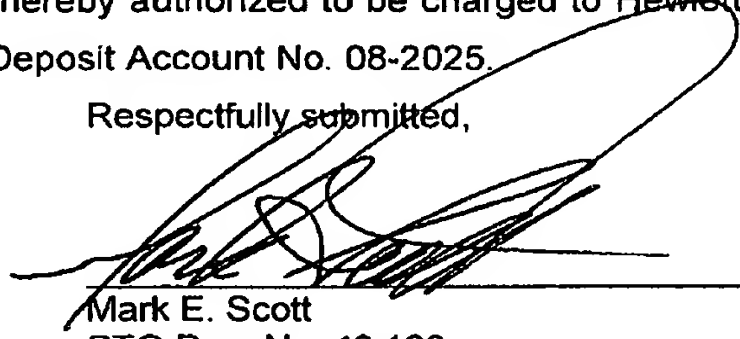
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents

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accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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